



**CITY OF LODI
COUNCIL COMMUNICATION**

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AGENDA TITLE: Denial of Verified Claim(s) against the City of Lodi

MEETING DATE: June 15, 2005

PREPARED BY Risk Management

RECOMMENDED ACTION: To approve by motion action, denial of the following verified Claim filed against the City of Lodi.

(A) The Salvation Army DOL: February 5, 2004
(B) Town & Country Park Assoc. DOL: December 25, 2003

BACKGROUND INFORMATION: Following review of verified claims filed against the City of Lodi, The City's contract administrator, DB Claims and Human Resources Staff, recommend the City deny the subject claim(s).

FISCAL IMPACT N/A

FUNDING AVAILABLE: None Required


Kirk Evans, Risk Manager

Attachments

cc: City Attorney
DB Claims

APPROVED: 
Blair King, City Manager

FILE COPY

CITY COUNCIL

JOHN BECKMAN, Mayor
SUSAN HITCHCOCK
Mayor Pro Tempore
LARRY HANSEN
JOANNE MOUNCE
BOB JOHNSON

CITY OF LODI

CITY HALL
221 WEST PINE STREET, P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
HUMAN RESOURCES: (209) 333-6704
FAX (209) 333-6816

BLAIR KING
City Manager
SUSAN J. BLACKSTON
City Clerk
STEPHEN SCHWABAUER
City Attorney

Notice of Claim Rejection
June 16.2005

The Salvation Army


Pasadena, CA 91101

RE: Claim against the City of Lodi
Claimant: Salvation Army
Date of Loss: 02/05/04
~~Our~~ Claim Number: 98305

Dear Claimant:

Notice is hereby given that the claim you presented to the City of **Lodi** on May **09,2005** was rejected as of the date of this letter.

Notice

Subject to certain exemptions, you have only six **(6)** months from the date that this notice was personally delivered or deposited in the mail to file a court action on **your** state law claims. See Government Code **§945.6**. The six month time limit referred to in this notice applies only to claims or causes of action which are governed by the California Tort Claims Act which does not apply to federal causes of action. Additionally, the Tort Claims Act contains certain exemptions. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult with an attorney, you should do so immediately.

Please also be advised that, pursuant to **5128.7** and **§1038** of the California Code of Civil Procedure, the City will seek to recover all costs of defense in the event an action is filed in this matter and it is determined that the action was not brought in good faith and with reasonable cause.

Sincerely,


susan Blackston

City Clerk

cc City Attorney
DB Claims
Risk Management
City Clerk

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City Attorney

Notice of Claim Rejection

June 16, 2005

Robert G. Kruse, Mason & Thomas


RE: Claim against the City of Lodi

Claimant: Town & Country Park Association
Date of Loss: December 25, 2003
Our Claim Number: 98505

Dear Claimant:

Notice is hereby given that the claim you presented to the City of Lodi on May 19, 2005 was rejected **as** of the date of this letter.

Notice

Subject to certain exemptions, you have only six (6) months from the date that this notice was personally delivered or deposited in the mail to file a court action on your state law claims. See Government Code §945.6. The six month time limit referred to in this notice applies only to claims or causes of action which are governed by the California Tort Claims Act which does not apply to federal causes of action. Additionally, the Tort Claims Act contains certain exemptions. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult with an attorney, you should do so immediately.

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Sincerely,



Susan Blackston
City Clerk

cc: City Attorney
DB Claims
Risk Management
City Clerk